

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 2 through 4, 6 through 11, and 16 through 21 are pending, with Claims 6, 7, 8, 16, 17, and 18 being independent. Claims 1, 5 and 12 through 15 have been cancelled without prejudice. Claims 2 through 4, 6 through 8, 10, and 11 have been amended. Claims 16 through 21 have been added.

Claim 15 was rejected under 35 U.S.C. § 101 as non-statutory. All rejections are respectfully traversed. Claim 15 has been cancelled without prejudice, and newly-presented Claims 19 through 21, which are directed to a computer-readable medium are limited to *functional* descriptive material embodied in a computer-readable medium which is, according to MPEP 2106(IV)(B)(1) is *per se* statutory (page 2100-12).

Claim 15 was rejected under 35 U.S.C. § 112, 2nd paragraph, as indefinite. All rejections are respectfully traversed. Claim 15 has been cancelled without prejudice, and newly-presented Claims 19 through 21, contrary to the assertion in the Official Action, are directed only to a computer-readable medium, and are not “omnibus” claims. Furthermore, it is well settled that breadth does not constitute indefiniteness. MPEP 2173.04.

Claim 11 was rejected under 35 U.S.C. § 112, 1st paragraph, as lacking written description, and the drawings were objected to under 37 C.F.R. § 1.83(a) on the grounds that the features of Claim 11 are not depicted. All rejections and objections are respectfully traversed. An originally-presented claim stated in ordinary, non-generalized language constitutes its own written description *as a matter of law*. Also, Applicants respectfully submit that the features of the claim as amended are supported by, e.g., an image from video camera 400 as depicted in Fig. 4 (see, e.g., page 7, lines 24-25; page 9, line 4; page 10, lines 23-24; Fig. 4, item 4b). Of course, the claims are not limited to the disclosed embodiments.

Claims 1 through 5 and 10 through 15 were rejected under 35 U.S.C. § 102(e) over newly-cited U.S. Patent No. 6,847,336 B1 (Lemelson, et al.). Claims 6 through 9 were objected to and indicated as being allowable if rewritten in independent form. All rejections and objections are respectfully traversed and are submitted to have been obviated by the rewriting of Claims 6 through 8 in independent form, with further amendments that are respectfully submitted not to affect the allowability of the claims. Claims 16 through 18 are “method” claims that have been formulated in view of Claims 6 through 8 and are also respectfully submitted to be allowable.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants’ undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Daniel S. Glueck/
Attorney for Applicants
Daniel S. Glueck
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
DSG/cmg